APPENDIX A

Statutes

The following is the Statute as it existed after the amendments of 1946. The material within heavy brackets was inserted by the 1946 amendments.

Surplus Property Act of 1944, Act of October 3, 1944, c. 479, Section 23, 58 Stat. 777, 50 U. S. C. App. Section 1632:

"*Disposal of surplus real property*—(a) *Definitions*

As used in this section—

(1) The term 'real property' means property consisting of land, together with any fixtures and improvements thereon [(including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures)] located outside the District of Columbia, but does not include [(A) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (B) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (C)] war housing, industrial plants, factories, [airports, airport facilities,] or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing; and

(2) The term 'surplus real property' means real property which has been determined under section 11 [section 1620 of this Appendix] to be surplus property.

(b) *Property to be disposed*

Surplus real property which is not disposed of to Government agencies under section 12 [section 1621 of this Appendix] or to States or their political subdivisions or instrumentalities under section 13 [section 1622 of this Appendix] shall be disposed of in accordance with this section.

(c) *Classification of property*

Immediately after the reporting of surplus real property to the War Assets Administrator under section 11 [section 1620 of this Appendix], the War Assets Administrator shall classify such property as agricultural, grazing, forest, mineral, or otherwise, as it may deem advisable. The classification may be revised from time to time. [The classification of property by the Administrator (including the determination of whether property is 'real property' as defined in this section) shall be based on the highest and best use of the property at the time it is reported as surplus property regardless of its former character or use.]

(d) *Preference to former owner; rights of tenant; price limitation*

(1) (A) In the case of any surplus real property which was acquired by any Government agency after December 31, 1939, the person from whom such property was acquired shall be given notice, in such manner (which may include publication) as the Board by regulation may prescribe, that the property is to be disposed of by the United States and shall be entitled to purchase such property, in substantially the identical tract as when acquired from such person, at private sale at any time during the period of ninety days following such notice: *Provided,* That such period shall be extended in any case when it appears that such extension is necessary or appropriate to facilitate the sale of any surplus real property under this subsection.

(B) In the case of real property acquired by any Government agency after December 31, 1939, which either—

(i) has not been determined under section 11 [section 1620 of this Appendix] to be surplus property, or

(ii) has been disposed of under section 12 [section 1621 of this Appendix] or 13 [section 1622 of this Appendix], or

(iii) is classified as suitable for a purpose different from that for which it was used when ac-

quired by the Government, and with respect to which the person from whom it was acquired has signified an intention not to exercise the privilege granted under subparagraph (A),

the person from whom such property was acquired may be offered other surplus real property in the same area for purchase at private sale, if such other property is classified as suitable for the purpose for which the property so acquired was used when so acquired, and is otherwise similar to the property so acquired.

(2) In the case of surplus real property which was acquired by any Government agency after December 31, 1939, and which is classified as suitable for agricultural use, if any tenant (who was a tenant at the time of acquisition) of the person from whom such property was acquired, signifies, within a period of ninety days following public notice of sale, his intention to purchase such property, and no person has exercised his privilege under paragraph (1) (A), such tenant shall be entitled to purchase such property, in substantially the identical tract as when acquired by such Government agency, at private sale at any time during such ninety-day period.

(3) The price to be paid for surplus real property sold under this subsection shall be a price not greater than that for which it was acquired by the United States, such acquisition price being properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(4) The Board may by regulation prescribe methods for the identification of persons entitled to exercise the privileges conferred by this subsection."

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